

REMARKSPRESENT DISCLOSURE

Applicant's system for managing advance directives evaluates important criteria before granting access to an advance directive stored in a database.

The present system will follow specific instructions given by the signatory on releasing the directive (e.g., instructions given through a registration agreement with the database operator). The system will also grant unrestricted access to a directive governed by a state statute requiring such unrestricted access. In addition, the advance directive will be freely supplied to the entity that originally supplied the advance directive to the database operator.

The system will also evaluate whether a requester is part of a network; e.g., a network of hospitals. Multiple networks are contemplated and the original specification provides on page 10, lines 29-31:

Since the foregoing contemplates that some service providers will be members of a network, the database 10 will also include a network table that lists the members of predefined common networks of service providers.

If the requester is part of a network, special rules apply. If the requester is part of a network but the advance directive originated from a different network, access will be denied. In particular, the specification provides that:

In step 80 computer 12 examines the records associated with the service provider seeking information and determines whether that provider is a member of a network of providers. If not, information is not provided, otherwise control is transferred to step 82.

In step 82 computer 12 determines the network affiliation indicated in the records associated with the service provider that

originally supplied the information being currently sought. If the service provider seeking information is not part of the same network as the service provider that originally supplied the information access is denied, otherwise control is transferred to step 84.

Original specification at page 19, line 28 through page 20, line 10.

The system will also examine the class associated with this requesting member of the network. Access and privileges will be regulated based on the requester's classification status.

In some embodiments, the request can be made through a voice-prompted telephone system. In other embodiments the request is made online over the Internet. Thereafter, the database information can be obtained directly from a computer terminal or by requesting a facsimile copy.

TRITCH (US Pub. No. 2003/0040939)

An insurance company will send to a prospective customer a packet that includes an insurance application together with an advance medical directive form. The customer completes and returns the advance medical directive, which is then scanned and stored in a database.

A user may access the database by logging-in over the telephone or through an Internet connection. If the user supplies a valid PIN/authorization code, access will be given to any previously scanned advance medical directives. The user identifies the directive by the associated Social Security number. In response, the directive can be sent either to a facsimile machine or may be displayed on a computer terminal that permits the user to print the directive.

The reference does not discriminate on the basis of a user's membership in a predefined common network. In fact, any user with a valid PIN/authorization code can obtain any directive in the database.

CLAIM ANALYSIS

The Examiner rejected every claim except claims 19 and 36 under 35 USC §102(e), citing US Pub. No. 2003/0040939 (Tritch).

Independent Claims 1 and 20

Claim 1 was amended to recite:

determining if the requester has been previously recorded in the database as being a qualified member of one of a plurality of predefined common networks previously recorded on the database, and if so recorded (a) granting the request if the requester and the service provider cohabit a common one of the common networks that includes the requester and the service provider, and (b) denying the request if the requester and the service provider do not cohabit a common one of the common networks that includes the requester and the service provider, notwithstanding that the requester has been previously recorded in the database as a qualified member of another one of the predefined common networks.

Independent method claim 20 was similarly amended. Tritch does not suggest the recited features.

Tritch fails to distinguish users based on which network they affiliate with. Once logged onto Tritch's system, any user can get any document that is in the system without regard to network affiliation. Thus, Tritch does not suggest intra-network sharing of information, combined with inter-network privacy for information. Specifically, Tritch's requesters once given some access, are never *denied* access "notwithstanding that the requester has been previously recorded in the database as a qualified member of

another one of the predefined common networks," as recited in amended claims 1 and 20.

Dependent Claims

Regarding claims 3, 4, 22 and 23, Tritch has no classifications among network members. All admitted users are granted full access to everything, which is the opposite of classifying users. The Examiner cites Paragraph 15 and Paragraphs 8-12, but no classification was found in those paragraphs by the undersigned.

Regarding claims 5 and 24 the Examiner asserts that Tritch teaches "creating reports on activity," but after a careful search, no such teaching was found by the undersigned.

Regarding claims 15 and 32, the undersigned carefully read Paragraph 15 and Paragraphs 8-12, but found no teaching of "prerecording in the database a roster of staff members of the service provider with a level designation signifying individualized authority levels," as asserted by the Examiner.

Regarding claims 16, 17, 33 and 34, the Examiner cites Paragraph 15 and Paragraphs 8-12, but perhaps meant to cite Paragraph 14. However, Paragraph 14 simply describes steps taken to ensure the validity of an advance directive, which is irrelevant to the claims in question.

Regarding claims 18 and 35, the Examiner asserts that Tritch teaches refusing an information request and then notifying the requester where to obtain the refused information. The undersigned could not find such a disclosure in Tritch.

The other claims depend from independent claims 1 or 20 and distinguish over

the cited art for at least the reasons given in connection with those independent claims.

CONCLUSION

It is believed that the foregoing fully responds to the objections and rejections entered by the Examiner and places this application in condition for allowance, which action is respectfully requested.

Respectfully submitted,
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